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California State Senate

SENATOR
GILBERT CEDILLO
TWENTY-SECOND SENATE DISTRICT



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LA COUNTY METROPOLITAN
TRANSPORTATION AUTHORITY

April 10, 2006

Tami R. Bogert
General Counsel
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95814

Re: Comments on Proposed Change to PERB Regulations on Proof of Support

Dear Ms. Bogert:

I am writing as the author of AB 1281 (2001) and SB 253 (2003), which established mandatory card check recognition for public employees covered by the Meyers-Milias Brown Act and the Educational Employment Relations Act, respectively.


The proposed regulations would fundamentally undermine the card check procedure intended by the Legislature. We never contemplated a revocation process that would permit an employee to revoke an authorization card at any time, without even notifying the union. Such provisions prevent a union from ever effectively establishing majority support, since the union cannot know, at any point in time, which employees are in support, which have revoked their support, or whether the employer is wrongfully encouraging revocations.

The Legislature has provided for card check recognition throughout the public sector because it is a fairer, more efficient, and more democratic way of achieving recognition and collective bargaining. Allowing the type of revocation set forth in the proposed regulation could result in employers engaging in campaigns to encourage employees to revoke, with just as much pressure, conflict and delay as previously existed during pre-election periods.

Additionally, the regulations contain a provision for adding language to authorization cards, indicating the signer understands that there will be no election. This provision suggests that a card check process is somehow invalid or is inferior to a traditional election. Such a conclusion is contrary to the law of the State of California and to the Legislative intent in providing for card check as a preferred method to establish majority support for a union without the conflict and animosity that arises during a typical union election.

For these reasons, I urge you to reconsider the proposed regulations and to revise them to ensure that they are consistent with state law and with the intent of the Legislature.

Sincerely,


Gilbert Cedillo
Senator, 22nd District

